

Remarks

Claims 1-26 were pending. Claims 1 and 17 have been amended. No claims have been cancelled or added. Thus claims 1-26 are subject to continued examination.

Anticipation Rejections

Claims 1-2, 9-15, 23 and 25 stand rejected under 35 U.S.C. §102(b) as being anticipated by Schwartz (US 3,717,150). Continued rejection on these grounds is respectfully traversed and reconsideration is requested.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim (MPEP § 2131). Applicants respectfully submit that Schwartz does not meet these rigorous standards with respect to the claim set as currently presented.

As best understood, the Office Action equates the force applying textile compaction equipment of the instant claims with the dryer utilized in Schwartz. Without adopting the reasoning of the Office Action, the amended claim set now specifies "controlled application of mechanical compression force" using "linear

compaction equipment mechanically pressing the preliminary stitch bonded composite selectively in the length dimension" "whereby the preliminary stitch bonded composite is shortened a predetermined controlled amount in the length dimension." Such features of selective controlled mechanical shrinkage are supported by the original specification at page 11. Moreover, the specification incorporates by reference several patents that describe exemplary linear compaction practices.

It is respectfully submitted that even applying the broadest reasonable definition of terms in the claims, a dryer cannot be considered to constitute a linear compaction device. Certainly a dryer does not provide selective compaction in a given direction by mechanically pressing selectively in the length dimension. Moreover, a dryer does not provide predetermined controlled shrinkage. Thus, it is respectfully submitted that the claims as presently presented clearly distinguish over the applied art.

Obviousness Rejections

Claims 3-8, 16-22, 24 and 26 stand rejected under 35 U.S.C. §103(a) as being obvious over Schwartz in view of Heiman (US 5,759,662). Continued rejection on these grounds is respectfully traversed and reconsideration is requested.

In order to establish a *prima facie* case of obviousness there must be some suggestion or motivation that would lead to the claimed invention. The suggestion or

motivation may derive from the references themselves or from the knowledge generally available to those of skill in the art. In addition, all the claim limitations must be taught or suggested by the prior art (MPEP § 2142). Applicants respectfully submit that these standards are not met with regard to the claims as now presented.

The Office Action relies on Heiman for teachings related to the use of yarns comprising cotton. In this regard, Applicant respectfully points out that the cotton containing yarns (14, 16) in Heiman are in fact ground yarns in the textile structure. Col. 2, lines 47-51. As best understood, these ground yarns are disposed beneath the loop-forming yarns (18) that actually define the user contact surface. (FIG. 1). As best understood, Heiman specifically advocates that the loop-forming yarns are polyester. Likewise, the primary reference to Schwartz also advocates that the surface forming yarns (12) are preferably hydrophobic such as polyester and the like. Col. 3, lines 35-38.

The instant claims each require that the bonding yarns "define a user contact surface." Applicants respectfully submit that this feature should be given weight. Thus, the use of cotton or other hydrophilic constituent fibers in bonding yarns that define a user contact surface appears to represent a departure from the cited art. In this regard, it is respectfully submitted that the combined teachings of Schwartz and Heiman actually appear to weigh against the claimed invention since the user contact surfaces in those references appear to be limited to hydrophobic materials.

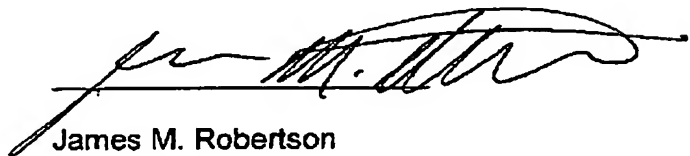
In any event, it is respectfully submitted that the cited art fails to teach or suggest the controlled linear compaction as claimed.

Conclusion:

For the reasons set forth above, it is respectfully submitted that all claims now stand in condition for allowance. Should any issues remain after consideration of this Amendment and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

To any extent that an extension of time may be required, a request for such an extension is hereby made. In the event that there are additional fees associated with the submission of these papers (including extension of time fees), authorization is hereby provided to withdraw such fees from Deposit Account No. 50-1424.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'James M. Robertson', is written over a horizontal line.

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